



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

Selectmen's
Meeting Minutes
Tuesday, July 8, 2014
Room 201, Town Hall
Time: 7:00 pm

Present: Selectman Brendon Chetwynd, Selectman David Gavin, Selectman William Cranshaw, Selectman Dawn Capello, Selectman Jason Kreil, Town Administrator Kevin Sweet, Assistant Town Administrator Andrew Scribner-MacLean and Admin. Assistant Becky Mosca.

(This public meeting was recorded)

Pledge of Allegiance

Public Comments –

- David Mark asked why the 12:10 horn stopped. TA Sweet will ask the Fire Chief and get back to resident.

Board opening interviews:

- Carrie O'Connell was present to discuss her interest in an appointment to the Conservation Commission. The opening is to fill the term remaining after the resignation of Peter Keenan. The CC and Linda Hansen recommend her appointment. She expects to move to Acton in a month or so.
- Tim Egan was present to discuss interest in joining the Capital Planning Committee. No feedback from CPC.

A motion was made by Selectman Chetwynd to appoint Carrie O'Connell to the Conservation Commission; this will replace the balance of Peter Keenan's term ending June 30, 2016. Second by Selectman Gavin. Vote 4-1. (Cranshaw) Motion approved.

A motion was made by Selectman Capello to appoint Tim Egan to the Community Preservation Committee, with a term ending June 30, 2017. Second by Selectman Gavin. Vote 5-0. Motion approved.

Public Hearing: Merai Liquors**LEGAL NOTICE**

Notice is hereby given in accordance with Mass. General Law, Chapter 138 as amended, that a Public Hearing will be held on Tuesday July 8, 2014 at 7:15 P.M. in Room MJG. At the Maynard Town Building on alleged violations of Alcohol Beverage Rules and Regulations, "Sale to a minor" by Thai Sura-Merai LLC d/b/a, Merai Liquor, 129 Main Street, Maynard MA. This occurred on April 12, 2014, May 23, 2014, May 29, 2014, May 30, 2014, May 31, 2014 the result of a Maynard Police Investigation.

Maynard Board of Selectmen*Dawn Capello**David Gavin**Jason Kreil**William Cranshaw**Brendon Chetwynd*

Motion made by Selectman Capello to open hearing for Thai Sura-Merai LLC d/b/a Merai Liquor, 129 Main Street Maynard, MA. 01754. Second by Sel. Gavin. Vote 5-0.

Thai Sura-Merai, LLC, the holder of a license issued under G.L. c. 138, § 15 to engage in the retail sale of alcohol not to be drunk on premises, is alleged to have sold alcohol to minors on April 12, May 23, May 29, May 30, and May 31, 2014, in violation of G.L. c. 138, § 34 and Section 13.3 of the Town's Alcoholic Beverage Control Regulations.

The hearing is being held pursuant to G.L. c. 138, § 64 to determine whether said violations occurred and whether the license should be modified, suspended or revoked under the statute and the local regulation. Sworn witnesses were Ithipol Pathumwan (Owner), Police Chief Dubois, and Becky Mosca.

Each of the alleged violations were discussed separately. Chief Dubois presented information from police reports where, typically, minors were arrested for possession of liquor and use of fake IDs. All arrests occurred off premises and the storeowner was not informed of the arrests. The storeowner explained what he recalled about the transactions. He does not record transactions with video or use an electronic driver license reader. He admitted that he does not check IDs of those who have purchased liquor there before.

Motion to close the hearing. Motion made by Capello to close hearing. Second by Selectman Gavin. Vote 5-0 Motion Approved.

Motion made by Sel. Gavin for no finding of a Section 13.3 violation for incident #5. Second by Sel. Capello. Vote 5-0.

Motion made by Sel. Capello for a finding of Section 13.3 violations for incidents #1, 2, 3, 4, 6, 7, and 8. Second by Sel. Cranshaw. Vote 5-0.

During deliberations, it was noted that it was atypical for a series of violations to be recorded by the police department before the issue is brought to the Board of Selectmen and the business owner. Sel. Gavin advocated for a suspension of not more than one week because he felt a longer suspension would be too much for this small business.

A motion was made by Selectman Capello to suspend the liquor license of Merai Liquor starting August 1 thru August 14th, 2014. Further that the owner retake TIPS training before reopening on August 15, 2014, also to have police verify all out of state licenses presented as ID. Second by Selectman Cranshaw. Vote 3-2 (Kreil & Gavin) Motion approved.

Consent agenda

- Special Permit, Assabet Valley Chamber of Commerce, Maynard Fest Sept. 27, 2014
- Special Permit, Maynard Rotary Club, October Fest, September 20, 2014
- Special Permit, Maynard Rotary Club, Christmas Parade, December 7, 2014
- Special permit, 5th Annual Ink Jam Bike Run
- Copy of Block Party, Rickey Drive July 4 2014 (emailed and approved by BOS)

A motion was made by Selectman Capello to approve the consent list as shown. Second by Selectman Gavin. Vote 5-0. Motion approved.

Meeting Minutes

A motion was made by Selectman Capello to approve the minutes of June 17, 2014. Second by Selectman Gavin. Vote 4-0-1 (Kreil abstained). Motion approved

List of Correspondences (mail to the Selectmen's Office for July 8, 2014).

- Accountant monthly report May 2014
- Sterling Golf Management reports April & May 2014
- Planning Board meeting notice, June 24, 2014
- Board of Appeals meeting notice, June 23, 2014
- Notice from ABCC, retirement Licensing Supervisor Pat Krueger
- TA. K. Sweet, notice of ATA delegation June 20 ~ June 29, 2014
- Maynard Housing Authority, PILOT in lieu of taxes.
- Copy of notice to Senator J. Eldridge June 4, 2014
- Copy of notice to Rep. Kate Hogan June 4 2014
- 2014 Maynard Community Fest, Sept 27, 2014
- MMA, oppose telecom industry proposals dated June 17 2014
- Verizon notice of change in contacts
- Recreation meeting notice, May 29 2014 June 19 2014
- Assessors meeting notice July 1 2014

A motion was made by Selectman Capello to approve the list of correspondences as shown. Second by Selectman Gavin. Vote 5-0. Motion approved.

Board Reorganization: Elect a chairperson / Elect a Clerk

Nominations were made for David Gavin, Bill Cranshaw, and Dawn Capello as Chair for FY2015.

A motion was made by Selectman Cranshaw to approve David Gavin as chair of Board of Selectman. Second by Selectman Gavin. Vote 2-3 (Capello, Chetwynd, and Kreil). Motion failed.

A motion was made by Selectman Gavin to approve Bill Cranshaw as chair of Board of Selectman. Second by Selectman Cranshaw. Vote 3-2 (Capello & Chetwynd). Motion approved.

Nominations were made for Jason Kreil and Brendon Chetwynd as Clerk for FY2015. Sel. Kriel declined the nomination.

A motion was made by Selectman Gavin to approve Chetwynd as clerk of Board of Selectman. Second by Selectman Capello. Vote 5-0. Motion approved.

School Building Committee final report update with Board of Selectmen

Phil Berry present a summary of report. This past year, the school was completed and moved into by staff and students. Committee mostly worked on final works and punch list items. Facilities Manager, Gregg Lefter and Head Custodian Dave Herlihy received off-site training on equipment at new High School so we can do our own maintenance on equipment. Committee came in \$2 million under budget for this project. Waiting for final report from the MSBA.

Request, for special permit at Reo Park Playground (First Connection)

A motion was made by Selectman Gavin to approve the special permit for Reo Park Playground to First Connection for July 23, 30, and August 6, 2014 from 2:00 thru 3:00 pm. Second by Selectman Chetwynd. Vote 5-0. Motion approved.

Review Town of Maynard Alcohol Beverage Licensing Regulations

The board reviewed a draft of changes prepared by town counsel. Questions about Section 18 recommendations are to be referred to town counsel. Action deferred until July 22nd meeting.

Town Administrator Report

- Public Works Projects, Veolia Water is in 2nd week of operations, things are going smoothly
- Pavement work based on benefit/cost analysis
 - Acton Street – Mill and Overlay (w/full depth patch)
 - Summer Street – Mill and Overlay (w/full depth patch)
 - Parker Street – Mill and overlay (w/full depth patch)
 - Miscellaneous patching on milled roads 9various locations)
- Cultural Council requesting s September Public Hearing with Board
- Collective Bargaining Agreements - Three out of four are done, AFSCME still negotiating. Planning a public presentation on July 22nd
- Veteran's housing – next steps from BOS July 22nd
- Capital planning on track for August 5 presentation

- Maynard Golf Course – Decision on status of MGC needs to be made before September. Re-use Committee, Facilities Manager and TA/ATA recommendations presented August 5th.

Assistant Town Administrator Andrew Scribner-MacLean discussed the Council on Aging and senior services.

- Status of Director. Permission to hire (move for half- time with desire for full-time by FY16)
- Seeking assistance on regional plan (MCOA funds available)
- Proposed temporary move to Golf Course. Management Company not opposed. Appears to be okay under CPA (restriction being reviewed). Low- cost improvements provide high level of added benefits compared to current site.

Old/New Business:

Sel. Chetwynd:

- AG's Office has approved the charter changes, now the BOS need to vote again as part of the process. TA will clarify with legal the motion for this set.
- General By-Law Committee needs to be formed, note we need (3) of the past members from the Charter Review to be added on this committee.

Selectman Kreil: None

Selectman Capello: None.

Selectman Gavin:

- Jimmy MacDonald, where do we stand with him? TA, said council has filled a 91A with court.
- Gavin, Thanked Andrew, Kevin for work progress and Thanked DPW for some resent public work.
- Goals meeting – we need to set date. 8/7 or 8/14 suggested.
- Noted article about a Capital Group project in Shrewsbury MA that has similarities to 129 Parker Street ideas. TA Sweet will pass article along to town's new Planner, Bill Nemser.

Selectman Cranshaw:

- Are we making progress with additional liquor licenses? Yes per TA, we are receiving information from Reps and other towns for process.
- TA reports that letter regarding Peyton's license has been sent and copy will be in next packet.

A motion was made by Selectman Cranshaw to approve the NOTICE OF DECISION, Skylight, LLC. Application to transfer All-Alcohol License to Capital Group Properties, LLC. Second by Selectman Gavin. Vote 4-1 (Kreil Abstained) Motion approved.

A motion to adjourn the meeting was made by Selectman Cranshaw. Second by Selectman Gavin. Vote 5-0. Motion approved. Time: 11:25 pm

Approved: 8/19/14

Date 8/19/14

Selectman, Jason Kreil, Clerk

Initials: BJM